

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being submitted via the USPTO EFS Filing System on the date shown below to Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date: July 18, 2006/Jessica Sexton/
Jessica Sexton**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:

Applicant(s): Gerald L. Swift

Examiner: Melvin A. Cartagena

Serial No: 10/815,047

Art Unit: 3754

Filing Date: March 31, 2004

Title: ROTARY AND/OR LINEAR ACTUATOR SYSTEM FOR CONTROLLING
OPERATION OF AN ASSOCIATED TOOL

**Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

REPLY TO NOTIFICATION OF NON-COMPLIANCE DATED JUNE 20, 2006

Dear Sir:

Appellant's representative submits this Reply in response to a Notification of Non-Compliance dated June 20, 2006. In the event any fees may be due, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1063 [ALBRP241USA].

Remarks

Below is an amended Summary of Claimed Subject Matter pursuant to 37 C.F.R. §41.37(c)(1)(v), MPEP §1205.03, and in response to the Notification of Non-Compliance dated June 20, 2006. The amended Summary of Claimed Subject Matter replaces the same section in the Appeal Brief filed on October 11, 2005.

Summary of Claimed Subject Matter (37 C.F.R. §41.37(c)(1)(v))

A. Independent Claim 1

Independent claim 1 recites a system that facilitates operation of a tool 14. The system further rotates a moveable member 16 about a central axis 32 and along the central axis 32 in order to position an associated drive member 46. The drive member 46 is parallel to the central axis 32 and extends a length of the moveable member 16 in order to engage the tool 14. The drive member 46 operates independently of the moveable member 16. (*See, e.g.* Figs. 1 and 2, and page 5 line 16 – page 6 line 23).

B. Independent Claim 12

Independent claim 12 recites a method of operating a tool. The method initially comprises coupling a moveable member to the tool. The method subsequently rotates the moveable member about a central axis and moves the moveable member along the central axis to position an associated drive rod (*See, e.g.* Fig. 7, component 356, page 18 lines 20-24). The drive rod drives part of the tool, while operating independent of the motion of the moveable member. (*See, e.g.* Fig. 7, component 362, page 19, lines 2-5).

C. Independent Claim 23

Independent claim 23 recites a system for operating a tool that comprises means for providing rotary movement of a moveable member about a central axis. (*See, e.g.* Figs. 1-2, components 36, 42, page 5 lines 24-29). The system further facilitates linear movement of the moveable member along the central axis to position an associated drive member. (*See, e.g.* Figs. 1-2, components 36 and 40, page 5 lines 16-23). In addition, the system comprises means for driving part of the associated tool independently of

movement of the moveable member, wherein the associated tool is attached to the means for providing and the means for driving extends through at least a portion of the means for providing. (*See, e.g.* Figs. 1-2, component 72, page 8 lines 14-27).

The aforementioned means for limitations are identified as claim elements subject to the provisions of 35 U.S.C. §112 ¶6. The corresponding structures are identified with reference to the specification and drawings in the parentheticals above corresponding to those claim limitations.

Conclusion

This submission is believed to cure any deficiencies associated with the Appeal Brief filed on August 11, 2005.

If any additional fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP241USA].

Respectfully submitted,
AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/
Himanshu S. Amin
Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP
24th Floor, National City Center
1900 East 9th Street
Telephone: (216) 696-8730
Facsimile: (216) 696-8731